

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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FELTON L. MATTHEWS,

Plaintiff,

v.

ROBERT LEGRAND, et al.,

Defendants.

3:08-cv-00322-LRH-RAM

ORDER

Before this Court is Report and Recommendation of U.S. Magistrate Judge Robert A. McQuaid, Jr. (#209¹) entered on January 6, 2010, recommending denying Defendant English's Motion to Dismiss filed on March 31, 2009 (#92), granting Plaintiff's Motion for Judicial Notice of Error with Leave to Supplement Opposition to Motion to Dismiss filed on April 24, 2009 (#105), and denying as moot Plaintiff's Motion for Summary Judgment Against Defendant Kechia English filed on April 9, 2009 (#98). Plaintiff filed his Response in Partial Support of Magistrate's Recommendations and Report (#213) on January 14, 2010, Defendant English filed her Response to Plaintiff's Objections to Magistrate Judge's Report and Recommendation on January 28, 2010 (#216), and Plaintiff filed his Commentary and Clarification of Defense/Objections Concerning the Magistrate's Report and Recommendation Concerning K. English Based on Counsel's Response (#219) on February 4, 2010,

¹Refers to court's docket number.

1 pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 1B 3-2 of the Rules of Practice of the United States
2 District Court for the District of Nevada.

3 The Court has conducted its *de novo* review in this case, has fully considered the objections of
4 the Plaintiff, the pleadings and memoranda of the parties and other relevant matters of record pursuant
5 to 28 U.S.C. § 636 (b) (1) and Local Rule IB 3-2. The Court determines that the Magistrate Judge's
6 Report and Recommendation (#209) entered on January 6, 2010, should be adopted and accepted.

7 IT IS THEREFORE ORDERED that the Magistrate Judge's Report and Recommendation
8 (#209) entered on January 6, 2010, is adopted and accepted, and Defendant English's Motion to
9 Dismiss (#92) is DENIED.

10 IT IS FURTHER ORDERED that Plaintiff's Motion for Judicial Notice of Error with Leave
11 to Supplement Opposition to Motion to Dismiss (#105) is GRANTED by DISMISSING
12 DEFENDANT ENGLISH WITHOUT PREJUDICE.

13 IT IS FURTHER ORDERED that Plaintiff's Motion for Summary Judgment Against Defendant
14 Kechia English is DENIED AS MOOT.

15 IT IS SO ORDERED.

16 DATED this 31st day of March, 2010.



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19 LARRY R. HICKS
UNITED STATES DISTRICT JUDGE